

REMARKS

Reconsideration is requested.

As a preliminary matter, applicants respectfully request acknowledgement of the drawing changes that were filed on July 14, 2006. These were filed in response to a drawing objection made in the previous Office Action. If the drawing changes have not been received and accepted, the Examiner is requested to contact the undersigned.

Claims 1, 2, 5, 8, 9 and 12 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,781,508. Claims 1, 2, 5, 8, 9 and 12 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,466,131. Claims 1, 2, 5, 8, 9, and 12 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4 of U.S. Patent No. 6,509,837. Claims 1-14 have been cancelled. New claims 54-68 have been added which have been written so as not to encompass laser trimming, so no double patenting issue is presented. Examination on the merits of new claims 54-68 is requested.

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,086,290 to Murray et al. and over U.S. Patent No. 5,626,630 to Markowitz et al., and over U.S. Patent No. 5,103,222 to Hogen Esch et al., and further in view of U.S. Patent No. 5,491,484 to Schuermann.

Claim 15 recites an adjustable radio frequency identification device for use with a remote interrogator unit, the device comprising a monolithic semiconductor integrated circuit having integrated circuitry; transmitter circuitry provided on the monolithic integrated circuit and forming at least part of the integrated circuitry; an antenna electrically coupled to the transmitter circuitry and configured to communicate with the remote interrogator unit; a power source electrically coupled to the integrated circuitry and configured to generate operating power for the communications device; and at least one of the antenna and the transmitter circuitry having reconfigurable electrical characteristics, the electrical characteristics being reconfigurable to selectively tune the at least one of the antenna and the transmitter circuitry for sensitivity within a range of tuned and detuned states to realize a desired transmitter range of the communications device in response to a command from the remote interrogator unit.

Murray et al. relate to a mobile perimeter monitoring system, such as for monitoring young children, which provides an alarm depending on whether the transmitter is within range or out of range of the receiver. The receiver may include a control for varying the sensitivity of the receiver which determines the effective perimeter and, hence, the range of the mobile transmitter and receiver combination.

The Murray et al. reference fails to disclose a monolithic semiconductor integrated circuit having integrated circuitry; and transmitter circuitry provided on the monolithic integrated circuit.

The Murray et al. reference fails to disclose a radio frequency identification device, as that term is commonly used.

The Murray et al. reference further fails to disclose transmitter circuitry having reconfigurable electrical characteristics.

The Murray et al. reference further fails to disclose electrical characteristics of transmitter circuitry being reconfigurable in response to a command from the remote interrogator unit.

The Markowitz et al. reference relates to a medical telemetry system, such as for communicating with an implanted device. It would not be obvious to combine Markowitz et al. with Murray et al. because these two references solve different problems and are in different fields.

Further, Markowitz et al. disclose using a two way repeater. The main object of the Markowitz et al. invention is to provide a telemetry system which can interrogate an implanted object from a distant monitoring station, which employs an extremely low power transponder that does not require a high power interrogating signal (Col 2, lines 5-13). If Markowitz et al. were combined with the Murray et al. reference, without using applicants' claims as a roadmap, the result would be to add a repeater to Murray et al.'s perimeter monitoring system, not to extract the transponder IC arrangement of Markowitz et al.

Further, the Markowitz et al. reference relates to frequency tuning, which is not the same as sensitivity tuning.

The combination of Markowitz et al. with Murray et al. is a classic hindsight reconstruction since the only basis whatsoever for completely reworking the Murray et al. device to achieve the claimed invention from the applied prior art, as proposed by the Examiner, would be impermissible hindsight reliance upon applicants' own teaching in the present application.

Therefore, the combination of Markowitz et al. with Murray et al. is improper and should be withdrawn.

Even if the references could be combined, the combination would still not provide transmitter circuitry having reconfigurable electrical characteristics. The combination would further fail to provide electrical characteristics of transmitter circuitry that are reconfigurable in response to a command from the remote interrogator unit.

The Office Action states that "it is well known in the art that transmitter circuits are tuned (or detuned) in the same manner as receiving circuits." An affidavit or evidence is requested to support this position unless Hogen Esch et al. is being combined with Markowitz et al. and Murray et al. This statement is not the same as evidence. Even if this is known, one of ordinary skill in the art would not be motivated to detune a transmitter in the particular application and combination recited in claim 15.

The Office Action states that U.S. Patent No. 5,103,222 to Hogen Esch et al. teaches that transmitter circuits are tuned (or detuned) in the same manner

as receiving circuits, and cites to Col. 1, lines 10-30. Col. 1, lines 10-30 of Hogan Esch et al. state:

Identification systems of this kind are known in various embodiments. In most cases, the receiver and the transmitter together form a combined unit, called a transmitter/receiver. The known systems can generally be classified in two categories. The first category comprises systems in which the labels or responders can be read from a relatively large distance of, for example, 70 to 70 cm, so-called "hands free." As these systems are often supplied with power from the electromagnetic field of the transmitter, tuned circuits are generally used for transmitting the energy required for the supply of the responder and also for transmitting the information from the responder to the transmitter/receiver system. This restricts the attainable bandwidth of the frequency spectrum and hence the information density. Indeed, in this case the amount of information to be transmitted depends upon the frequency and upon the available time and is, for example, 64 data bits. Some examples of such systems are described in U.S. Pat. No. 4,196,418 and in our Netherland patent application 86,01021.

This is not believed to fairly teach or suggest transmitter circuitry having reconfigurable electrical characteristics, the electrical characteristics being

reconfigurable to selectively tune the at least one of the antenna and the transmitter circuitry for sensitivity within a range of tuned and detuned states to realize a desired transmitter range of the communications device. There is no specific teaching of detuned states being desirable in a transmitter to affect range. While the reference may disclose first and second transmitter modes, this would not lead one of ordinary skill in the art to modify some combination of Markowitz et al. and Murray et al. to arrive at applicants' claim 15 absent hindsight.

The primary object of Hogan Esch et al. is to provide an identification system which in a first mode is capable of transmitting a limited amount of data from a relatively large distance, and in a second mode can transmit a large amount of information from a small distance. This appears to be for privacy reasons. "A portion of the data stored, for example, a personal number or social security number or passport number can then be read from a distance, which would considerably simplify handling at airports, for example, and the remaining part of the data can only be read from a very short reading distance, for example, several centimeters, which requires offering the information carrier to a reading system. Additionally, use could be made of access codes or passwords." See Col. 2, lines 5-13.

It is not clear why one of ordinary skill in the art would be motivated to combine Hogan Esch et al. with Murray et al. since Murray et al. is not concerned with data transmission rates, but is merely a proximity detector. No

Appl. No. 10/696,102
Response to 09/20/2006 Final Office Action (RCE)
Atty. Dkt. MI40-363

substantial quantity of data is involved in detecting proximity. It is not clear what teachings of Hogan Esch et al. should be selected versus teachings of Markowitz et al, for combination with Murray et al.

The Office Action further proposes combining Schuerman.

Schuerman discloses changing or tuning the frequency which with an RF carrier wave generator or resonant circuit operates. Tuning frequency is not the same as tuning sensitivity.

Further, this is a combination of four references (or three references plus an official notice), and is implausible unless some sort of impermissible hindsight reconstruction is taking place.

Therefore, the combination of references is improper and the rejection should be withdrawn.

Therefore, claim 15 is allowable. As claims 16-21 depend on claim 15, they too are allowable. Independent claims 35, 37, and 46 were also rejected based on the same combination of references. The combination is improper, for the reasons set forth above in connection with claim 15, and therefore these claims are also allowable. Dependent claims 36, 38-41-and 47-48 are therefore also allowable.

Claims 22-25, 29-33, 42-45, 49 and 50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,086,290 to Murray et al. and over U.S. Patent No. 5,626,630 to Markowitz et al., and further in view of U.S. Patent No. 5,491,484 to Schuermann.

Appl. No. 10/696,102
Response to 09/20/2006 Final Office Action (RCE)
Atty. Dkt. MI40-363

The combination of reference is improper for the reasons set forth above in connection with claim 15. Therefore, claims 22-25, 29-33, 42-45, 49 and 50 are allowable.

In view of the foregoing, allowance of claims 15-68 is requested.

If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

Dated: Nov. 14, 2006

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